

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

FINANCIAL DESIGNS, INC.,

Plaintiff,

vs.

EVANSTON INSURANCE COMPANY,

Defendant.

CASE NO. \_\_\_\_\_

**EVANSTON INSURANCE COMPANY’S NOTICE OF REMOVAL**

Defendant, Evanston Insurance Company (“Evanston”), pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, files its Notice of Removal of the action from the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, bearing case number 2022-CA-008424, to the United States District Court for the Southern District of Florida, Miami Division, and as grounds therefore states as follows:

1. Plaintiff, Financial Designs, Inc. (“FDI”), commenced this action by filing the Complaint in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida on May 6, 2022.

2. Evanston was served with the Complaint on May 25, 2022. This Notice of Removal is therefore timely filed within 30 days of service and within one year of commencement of the action, pursuant to 28 U.S.C. § 1446(b). By filing this Notice of Removal, Evanston consents to the removal of this case from State to Federal Court.

3. At all material times, FDI is a Florida Corporation, domiciled and with its principal place of business in Miami-Dade County, Florida. (Compl. ¶ 6.) FDI is therefore a citizen of the State of Florida pursuant to 28 U.S.C. § 1332(c)(1).

4. At all material times, Evanston is a foreign corporation, incorporated under the laws of the state of Illinois, domiciled and with its principal place of business in Cook County, Illinois. Evanston is therefore a citizen of the State of Illinois pursuant to 28 U.S.C. § 1332(c)(1).

5. Removal is therefore appropriate based upon diversity jurisdiction pursuant to 28 U.S.C. § 1332(a) because there is complete diversity of citizenship between FDI and Evanston.

6. The amount in controversy requirement is satisfied because FDI specifically alleges that the amount of damages at issue, exclusive of interest, attorneys' fees and costs, is at least \$105,240.29. (Compl. ¶¶ 2, 4 & 26.)

7. Therefore, this action satisfies the amount in controversy requirement under 28 U.S.C. § 1332(a) as it exceeds the sum or value of \$75,000, exclusive of interest, attorneys' fees and costs.

8. As required by 28 U.S.C. § 1446, a copy of all process, pleadings and orders served upon Evanston and on file in the state court as of June 24, 2022 are attached to this Notice as **Composite Exhibit 1**.

9. Pursuant to 28 U.S.C. § 1446(d), written notice of the removal of this action will be promptly served on counsel, and a Notice of Removal is simultaneously being filed with the Clerk of the Circuit Court in and for Miami-Dade County, Florida.

WHEREFORE, Evanston Insurance Company removes the captioned action from the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, and requests that further proceedings be conducted in this Court as provided by law

Respectfully submitted,

HINSHAW & CULBERTSON LLP

*/s/ David A. Archer*

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*Attorneys for Evanston Insurance Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 24, 2022, I electronically filed the foregoing via the CM/ECF System and served same via email upon counsel for Financial Designs, Inc. Juan J. Rodriguez, Esq., [pdilitlaw@gedlawyers.com](mailto:pdilitlaw@gedlawyers.com).

*/s/ David A. Archer*

David A. Archer